UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,424	06/17/1999	DAVID T. SULCER	04020.P001	7619

29855	7590	04/02/2004

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2004</u>.
2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-52* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the communication received on 05 February

2004.

2. Claims 1-52 are presented for examination.

3. Applicant's request for reconsideration of the finality of the rejection of the last

Office Action is persuasive and, therefore, the finality of that Action is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e)

that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the

Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a

U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore,

the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-

AIPA 35 U.S.C. 102(e)).

5. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by

Yoshikawa et al. patent no. **(U.S. 6,061,516).**

6. As to claim 1, Yoshikawa teaches substantially the invention as claimed,

including a method, comprising:

a) receiving a message *(a screen)* that was sent from a remote device *(Figs.*

3, 4, 18, 19), said message comprising a definition *(Figs. 3, 4, items 80, 110, name;*

Figs. 18, 19, items 503, 601, parts specification), a state change *(Fig. 4, items 112, 117;*

Figs. 18, 19, items 503, 504, input fields), and a command *(Fig. 4, item 119; Figs. 18,*

19, item 504), said definition defining a fixed aspect of a user environment, said state

change describing a change in a non-fixed aspect of said user environment, said

command being a directive that causes a function to be performed *(Yoshikawa, col. 8,*

line 61 – col. 9, line 19; col. 17, lines 40-46); and,

> b)   processing said definition before said state change and said command are

processing *(Fig. 9, item 143; Figs. 10-13; col. 10, line 45 – col. 11, line 56; col. 13, lines*

10-39), processing said state change before said command is processed *(Figs. 9-12;*

col. 13, lines 10 – col. 14, line 22), and processing said command *(Figs. 9-12; col. 13,*

lines 10 – col. 14, line 41).

7.   As to claim 2, Yoshikawa teaches, wherein said command further comprises an

express command *(Fig. 4, item 119; Fig. 18, item 504)*.

8.   As to claim 3, Yoshikawa teaches, wherein said express command corresponds

to a clicking a mouse button *(Fig. 4, clicking item 119; Fig. 18, clicking item 504)*.

9.   As to claim 4, Yoshikawa teaches, wherein said express command corresponds

to hitting an enter key *(Fig. 4, item 119; Fig. 18, item 504)*.

10.   As to claim 5, Yoshikawa teaches, wherein said express command corresponds

to selecting an option from a menu *(Fig. 7, selecting screen name ABP010 on line 100)*.

11.   As to claim 6, Yoshikawa teaches, wherein said command further comprises an

instruction command *(col. 13, line 66 – col. 14, 64)*.

12.   As to claim 7, Yoshikawa teaches, wherein said instruction command

corresponds to getting a form *(Fig. 4, sending a form, item 119; Fig. 18, item 504).*

13.   As to claim 8, Yoshikawa teaches, wherein said state change corresponds to a

new value in a form *(Fig. 4, new value in fields 112, 117; Fig. 18, new values in fields*

501, 502).

14.   As to claim 9, Yoshikawa teaches, wherein said definition corresponds to the

definition of a form *(Fig. 4, item 110; Fig. 18, item 503).*

15.   As to claim 10, Yoshikawa teaches, wherein said processing said definition

further comprises updating a definition record associated with a GUI understanding with

said definition *(col. 3, line 58 – col. 4, line 5).*

16.   As to claim 11, Yoshikawa teaches, wherein said processing said state change

further comprises updating a state record associated with a GUI understanding with

said state change *(col. 3, line 58 – col. 4, line 5).*

17.   As to claim 12, Yoshikawa teaches substantially the invention as claimed,

including a method executed by a local device that cooperatively operates with a remote

device in order to implement an application software program, said device separated

from said remote device by a network, said method comprising:

        a)   recognizing that a dependence on said remote device, said dependence

being a need for said remote device to perform some act, said act allowing said

application software program *(online application program)* to continue to operate

(Yoshikawa teaches that in order for the GUI program to act as the host access

program for communicating with an existing online application program, it is necessary

to perform conversion between the data format meeting the specifications of the host

terminal on the one hand, and the data format within the program. With the system of

the invention, the conversion between these data formats is carried out by matching

coordinate information included in the communication data with the names of data

included in the screen definition information and with the coordinates in which the data

is displayed on a conventional host terminal, col. 3, line 20 – col. 4, line 4); and

b)   sending a message to said remote device, said message comprising

either a definition, a state change, a command or some combination thereof, said

definition defining a fixed aspect of a said application software program, said state

change describing a change in a non-fixed aspect of said application software program,

said command being a directive that causes said remote device to perform said act

(Figs. 9-12; col. 8, line 61 – col. 9, line 19; col. 12, line 54 – col.14, line 41; col. 17, lines

40-46).

18.   Claims 13-20 are substantially the same the claims 2-9 and are thus rejected for

the reason similar to those in rejection claims 2-9.

19.   Claims 21-22 are substantially the same the claim 10 and are thus rejected for

the reason similar to those in rejection claim 10.

20.   Claim 23 is substantially the same the claim 11 and is thus rejected for the

reason similar to those in rejection claim 11.

21.   As to claim 24, Yoshikawa teaches, receiving an acknowledgement message

from said remote device, said acknowledgement message comprising either a second

definition, a second state change, a second command or some combination thereof

(col. 7, line 31 – col. 8, line 60); and

    processing said second definition (if any) before said second state change (if

any) and before said second command (if any) *(col. 7, line 31 – col. 8, line 60)*; and

    processing said second state change (if any) before processing said second

command (if any) *(col. 7, line 31 – col. 8, line 60)*.

22.   As to claim 25, Yoshikawa teaches further comprising translating said definition

(if any), said state change (if any) and said command (if any) to a GUI *(col. 3, lines 4-*

49; col. 20, lines 9-34).

23.   Claim 26 is corresponding apparatus claim of claim 1; therefore, it is rejected

under the same rationale as in claim 1.

24.   Claims 27-36 are substantially the same the claims 2-11 and are thus rejected for

the reason similar to those in rejection claims 2-11.

25.   Claim 37 is corresponding apparatus claim of claim 12; therefore, it is rejected

under the same rationale as in claim 12.

26.   Claims 38-50 are substantially the same the claims 13-25 and are thus rejected

for the reason similar to those in rejection claims 13-25.

27.   Claim 51 is corresponding computer readable medium claim of claim 1;

therefore, it is rejected under the same rationale as in claim 1.

28.   Claim 52 is corresponding computer readable medium claim of claim 12;

therefore, it is rejected under the same rationale as in claim 12.

29.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

30.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

    Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).
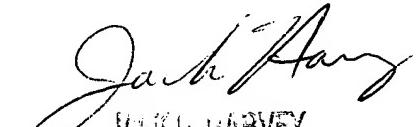
JACK L. HARVEY

SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142